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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/605,821	BURT, TERENCE M.
	Examiner	Art Unit
	Mahesh H. Dwivedi	2168

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12 June 2007*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-25* is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-25* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *10/29/2003* is/are: a)☐ accepted or b)☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a)☐ All　b)☐ Some * c)☐ None of:

　　　　1.☐ Certified copies of the priority documents have been received.

　　　　2.☐ Certified copies of the priority documents have been received in Application No. _____.

　　　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
　　Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
　　Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9/5/2006 has been entered.

Remarks

2.   Receipt of Applicant's Amendment, filed on 06/12/2007, is acknowledged. The amendment includes the amending of claims 1-25

Specification

3.   The objections raised in the office action mailed on 12/12/2006 have been overcome by the applicant's amendment received on 06/12/2007.

Claim Objections

4.   Claim 5 is objected to because of the following informalities: The phrase "sending an identifier file to a requesting client Web browser (currently "setting a cookie")…client" should be changed to ""sending an identifier file to a requesting client Web browser…client, **wherein the identifier file comprises setting a cookie**". Appropriate correction is required.

        Claim 6 is objected to for incorporating the deficiencies of dependent claim 5.

        Claim 13 is objected to because of the following informalities: The phrase "a host server having processing script" should be changed to "a host server having **a** processing script". Appropriate correction is required.

        Claims 14-21 are objected to for incorporating the deficiencies of independent claim 13.

        Claim 25 is objected to because of the following informalities: The phrase "URL identifier through processing script" should be changed to "URL identifier through **a** processing script". Appropriate correction is required.

Claim Rejections - 35 USC § 102

5.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that
form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public
> use or on sale in this country, more than one year prior to the date of application for patent in the United
> States.

6.   Claims 13-17, and 19-25 are rejected under 35 U.S.C. 102(b) as being
anticipated by **Burema et al.** (U.S. PGPUB 2002/0029290).

7.   Regarding claim 13, **Burema** teaches a system comprising:

A) a host server having <u>processing script and also</u> a plurality of Web pages <u>in which</u> at
least one <u>of said Web pages is a</u> key Web page (Paragraphs 8 and 31);

B) wherein said processing script <u>is executable to process</u> a request for a URL form a
Web browser by checking a host server input variable, a referring server identifier, and
a Web browser identifier file (Paragraphs 33, 37-45, and 50-51);

C) <u>to</u> thereby <u>determine</u> whether said referring server <u>is</u> an affiliated server or a non-
affiliated server or whether said Web browser <u>is</u> an affiliated Web browser or a non-
affiliated Web browser; (Paragraphs 33, 37-44, 51, and 71);

D) <u>perform</u> affiliated processing in response to said affiliated server or said affiliated
Web browser (Paragraphs 33-37, 45);

E) <u>process</u> said URL in response to said non-affiliated server or <u>said</u> non-affiliated <u>Web</u>
browser (Paragraph 71); and

F) wherein said host server <u>is operable to serve</u> output to said Web browser <u>in</u>
<u>response to said request</u> (Paragraphs 31, 33, 45, and 51);

G) said output including one said key Web page if said referring server or said Web
browser is determined to be affiliated; and (Paragraphs 31 and 71);

H) <u>said output otherwise including of said Web pages according to said URL as</u>
<u>requested, whereby link popularity and the search-engine importance of each said key</u>
<u>Web page is increased on said Internet</u> (Paragraphs 65 and 78).

The examiner notes that **Burema** teaches **"a host server having <u>processing</u>**
script and also a plurality of Web pages <u>in which</u> at least one <u>of said Web pages</u>

is a key Web page" as "In one embodiment of the invention, there is a method of tracking transactions over a network. The method includes, for example, comparing client information and transaction information to determine whether a valid transaction occurred, the transaction information gathered using a script executed by the client browser and monitoring the comparison to record when a valid transaction occurs" (Paragraph 8) and "the tracking system server determines the location, i.e., the URL of the merchant server entry page, i.e., an HTML form 150 and redirects the client 105 to that page. The user may freely browse the merchant's web site until reaching a transaction page. After making a purchase, or otherwise submitting a transaction…logs information about the user, writes a cookie out to the client 105" (Paragraph 31). The examiner further notes that it is clear that the transaction pages and entry pages of **Burema** are the key pages, and the rest of the pages (see "freely browse the website") represent the non-key web pages. The examiner further notes that **Burema** teaches **"wherein said processing script is executable to process a request for a URL form a Web browser by checking a host server input variable, a referring server identifier, and a Web browser identifier file"** as "the script checks the validity of the input variables" (Paragraph 45) and "The script then redirects the user to the merchant server (324)…the script creates a unique identifier by encrypting the sid, pid, user's IP address and user browser information" (Paragraph 50). The examiner further notes that **Burema** teaches **"to thereby determine whether said referring server is an affiliated server or a non-affiliated server or whether said Web browser is an affiliated Web browser or a non-affiliated Web browser"** as "if a user does not have any cookies" (Paragraph 71), and "the transaction information is sent to the tracking system for matching, a process which determines whether a user was referred to a merchant via a particular affiliate" (Paragraph 71). The examiner further notes that **Burema** teaches **"perform affiliated processing in response to said affiliated server or said affiliated Web browser"** as "the script checks the validity of the input variables" (Paragraph 45). The examiner further notes that **Burema** teaches **"process said URL in response to said non-affiliated server or said non-affiliated Web browser"** as "if a user does not have any cookies" (Paragraph 71), and "the transaction

information is sent to the tracking system for matching, a process which determines whether a user was referred to a merchant via a particular affiliate" (Paragraph 71). The examiner further notes that **Burema** teaches **"wherein said host server is operable to serve output to said Web browser in response to said request"** as "the tracking system server determines the location, i.e., the URL of the merchant server entry page, i.e., an HTML form 150 and redirects the client 105 to that page. The user may freely browse the merchant's web site until reaching a transaction page. After making a purchase, or otherwise submitting a transaction…logs information about the user, writes a cookie out to the client 105" (Paragraph 31). The examiner further notes that **Burema** teaches **"said output including one said key Web page if said referring server or said Web browser is determined to be affiliated"** as "If a user has a test cookie (348), then a check is made for a tracking system (352). Otherwise, if either a test cookie or a tracking system cookie does not exist, processing continues to 360. Each user having cookies enabled will have a test cookie, which was written out to the user's computer from the transaction page. If a user with cookies enabled was introduced to the merchant via an affiliate server, the user will also have a tracking system information cookie, including tracking information. For each user having an tracking system cookie, the transaction information will be sent to server 130 (356). If a user does not have any cookies, the system knows that the user has disabled the cookies feature, and the transaction information is sent to the tracking system for matching, a process which determines whether the user was referred to a merchant via a particular affiliate. The matching process is performed when a user's computer does not accept cookies" (Paragraph 71). The examiner further notes that **Burema** teaches **"said output otherwise including of said Web pages according to said URL as requested, whereby link popularity and the search-engine importance of each said key Web page is increased on said Internet"** as "When the user reaches the merchant transaction page (336), a transaction transmittal program is loaded from the tracking system server 120. The transaction transmittal program allows a user to make a purchase by submitting to the merchant site transaction information, such as, for example, an item to purchase an associated payment information to the merchant site

(340). The transaction page guides a user through the process of submitting a transaction. When the user decides to make a purchase/subscription, the user submits the transaction information, which executes the transaction transmittal program, which operates in a manner that is similar to the merchant site entry code" (Paragraph 65) and "The matching operation includes the following analysis: If the received transaction file includes tracking system information, a flag is set in the database indicating that the transaction is proper. If the matching of transaction information with information recorded during redirection to the merchant site is positive, a flag is set in the database indicating that the transaction is proper. If, after performing the matching, it is determined that a user was referred to the merchant by the tracking system (364), then the affiliate is eligible for a payout amount (368). Otherwise, processing ends" (Paragraph 78). The examiner further notes that it is common knowledge that a transaction page (key web page) will be served to any requesting user on the Internet. The examiner further notes that it is clear that **Burema's** method uses a matching process to determine affiliation in order to make payouts (i.e. the key page is always transmitted, but a matching process is always initiated to make sure every request for a key page which is from an affiliate is compensated, and every request which results in no affiliation is still served.

Regarding claim 14, **Burema** further teaches a system comprising:
A) a client browser requesting a Web page, which activates said referring server (Paragraphs 27, and 45); and
B) an affiliated client browser requesting a Web page, which activates said host server (Paragraph 45).

The examiner notes that **Burema** teaches **"a client browser requesting a Web page, which activates said referring server"** as "Client 105 communicates with partner server 110 via browser software 101" (Paragraph 27) and "a user selects, i.e., clicks on, the partner site code represented as a banner or a text link, the banner is served to the server. Simultaneously, the user is redirected to the tracking system server" (Paragraph 45). The examiner further notes that **Burema** teaches **"an**

affiliated client browser requesting a Web page, which activates said host server" as "Client 105 communicates with partner server 110 via browser software 101" (Paragraph 27) and "a user selects, i.e., clicks on, the partner site code represented as a banner or a text link, the banner is served to the server. Simultaneously, the user is redirected to the tracking system server" (Paragraph 45).

Regarding claim 15, **Burema** further teaches a system comprising:
A) wherein said referring server comprises said affiliated server referring a request from said client browser to said host server (Paragraphs 27-28, and 45, Figure 1).

The examiner notes that **Burema** teaches **"wherein said referring server comprises said affiliated server referring a request from said client browser to said host server"** as "Client 105 communicates with partner server 110 via browser software 101" (Paragraph 27) and "Affiliate server 110 further includes the HTML code" (Paragraph 28).

Regarding claim 16, **Burema** further teaches a system comprising:
A) wherein said referring server comprises said non-affiliated server referring a request from said client browser to said host server (Paragraph 71).

The examiner notes that **Burema** teaches **"wherein said referring server comprises said non-affiliated server referring a request from said client browser to said host server"** as "if a user does not have any cookies" (Paragraph 71), and "the transaction information is sent to the tracking system for matching, a process which determines whether a user was referred to a merchant via a particular affiliate" (Paragraph 71). The examiner further notes that it is common knowledge that the merchant site will still serve content and web pages to clients deemed not to have been sent via an affiliate server.

Regarding claim 17, **Burema** further teaches a system comprising:
A) wherein affiliated output is specified within said host server for said affiliated server or said affiliated client (Paragraphs 33 , 45, and 51) and

B) wherein output specified by said requested URL is generated for said non-affiliated server or non-affiliated client (Paragraph 71); and

C) wherein said host server serves said output to a client browser as a function of said identifiers (Paragraphs 33, 45, and 51).

The examiner notes that **Burema** teaches **"wherein affiliated output is specified within said host server for said affiliated server or said affiliated client"** as "As the user enters the merchant's site that he or she has been redirected to" (Paragraph 51). The examiner further notes that **Burema** teaches **"wherein output specified by said requested URL is generated for said non-affiliated server or non-affiliated client"** as "As the user enters the merchant's site that he or she has been redirected to" (Paragraph 51). The examiner further notes that **Burema** teaches **"wherein said host server serves said output to a client browser as a function of said identifiers"** as "As the user enters the merchant's site that he or she has been redirected to" (Paragraph 51).

Regarding claim 20, **Burema** further teaches a system comprising:

A) wherein said host server and said Web browser <u>are operable</u> on a network using HTTP, POP3, or NNTP (Paragraph 32).

The examiner notes that **Burema** teaches **"wherein said host server and said Web browser <u>are operable</u> on a network using HTTP, POP3, or NNTP"** as "a network that supports HTTP transmission protocol" (Paragraph 32).

Regarding claim 21, **Burema** further teaches a system comprising:

A) wherein said host server <u>is operable to process</u> client Web browser requests using at least one of server input variables, server environment variables, and browser identifier files (Paragraphs 37-44);

B) said host server <u>is operable to generate</u> output to said client using at least one of data files, configuration files, and custom program files (Paragraphs 33, 45, and 51).

The examiner notes that **Burema** teaches **"wherein said host server <u>is</u> <u>operable to process</u> client Web browser requests using at least one of server**

input variables, server environment variables, and browser identifier files" as "User IP address" (Paragraph 41). The examiner further notes that **Burema** teaches **"said host server is operable to generate output to said client using at least one of data files, configuration files, and custom program files"** as "As the user enters the merchant's site that he or she has been redirected to" (Paragraph 51).

Regarding claim 22, **Burema** teaches a method comprising:

A) receiving a request for a URL from a referring server or a client computer with a Web browser (Paragraphs 28, 31, and 45);

B) checking at least one identifier associated with said requested URL, said referring server, or said client computer Web browser (Paragraphs 29-30, 37-44);

C) determining the affiliation of said referring server or said client computer Web browser based on said at least one identifier (Paragraphs 33-37, 71);

D) linking said referring server or said client computer Web browser to a host server that includes a plurality of Web pages in which at least one of said Web pages is a key Web page (Paragraphs 31 and 50);

E) serving said key Web page if said referring server or a said client computer Web browser is determined to be affiliated; (Paragraph 71); and

F) otherwise serving one of said Web pages according to said URL as requested, so as to build link popularity and thereby increase the search-engine importance of each key Web page on said Internet (Paragraphs 65 and 78).

The examiner notes that **Burema** teaches **"receiving a request for a URL from a referring server or a client computer with a Web browser"** as "a user selects, i.e., clicks on, the partner site code represented as a banner or a text link, the banner is served to the server. Simultaneously, the user is redirected to the tracking system server" (Paragraph 45). The examiner further notes that it is clear that the transaction pages and entry pages of **Burema** are the key pages, and the rest of the pages (see "freely browse the website") represent the non-key web pages. The examiner further notes that **Burema** teaches **"checking at least one identifier associated with said requested URL, said referring server, or said client computer Web browser"** as

"Tracking system server 120 includes a tracking system software 142 that writes out a cookie 128 to client 105 and transmits transaction information to client 105" (Paragraph 30) and "logs information about the user, writes a cookie out to the client (Paragraph 31). The examiner further notes that **Burema** teaches **"determining the affiliation of said referring server or said <u>client computer</u> Web browser <u>based on</u> said <u>at least one identifier</u>"** as "the transaction information is sent to the tracking system for matching, a process which determines whether a user was referred to a merchant via a particular affiliate" (Paragraph 71). The examiner further notes that **Burema** teaches **"linking said referring server or said <u>client computer</u> Web browser to a host server <u>that includes</u> a plurality of Web pages <u>in which at least one of said Web pages is a</u> key Web page"** as "the tracking system server determines the location, i.e., the URL of the merchant server entry page, i.e., an HTML form 150 and redirects the client 105 to that page. The user may freely browse the merchant's web site until reaching a transaction page. After making a purchase, or otherwise submitting a transaction...logs information about the user, writes a cookie out to the client 105" (Paragraph 31) and "the script then redirects the user to the merchant server 324" (Paragraph 50). The examiner further notes that **Burema** teaches **"serving said key Web page <u>if said referring</u> server or a <u>said client computer</u> Web browser <u>is determined to be affiliated</u>"** as "If a user has a test cookie (348), then a check is made for a tracking system (352). Otherwise, if either a test cookie or a tracking system cookie does not exist, processing continues to 360. Each user having cookies enabled will have a test cookie, which was written out to the user's computer from the transaction page. If a user with cookies enabled was introduced to the merchant via an affiliate server, the user will also have a tracking system information cookie, including tracking information. For each user having an tracking system cookie, the transaction information will be sent to server 130 (356). If a user does not have any cookies, the system knows that the user has disabled the cookies feature, and the transaction information is sent to the tracking system for matching, a process which determines whether the user was referred to a merchant via a particular affiliate. The matching process is performed when a user's computer does not accept cookies" (Paragraph 71).

The examiner further notes that **Burema** teaches "<u>otherwise serving one of said Web pages according to said URL as requested, so as to build link popularity and thereby increase the search-engine importance of each</u> key Web page <u>on said Internet</u>" as "When the user reaches the merchant transaction page (336), a transaction transmittal program is loaded from the tracking system server 120. The transaction transmittal program allows a user to make a purchase by submitting to the merchant site transaction information, such as, for example, an item to purchase an associated payment information to the merchant site (340). The transaction page guides a user through the process of submitting a transaction. When the user decides to make a purchase/subscription, the user submits the transaction information, which executes the transaction transmittal program, which operates in a manner that is similar to the merchant site entry code" (Paragraph 65) and "The matching operation includes the following analysis: If the received transaction file includes tracking system information, a flag is set in the database indicating that the transaction is proper. If the matching of transaction information with information recorded during redirection to the merchant site is positive, a flag is set in the database indicating that the transaction is proper. If, after performing the matching, it is determined that a user was referred to the merchant by the tracking system (364), then the affiliate is eligible for a payout amount (368). Otherwise, processing ends" (Paragraph 78). The examiner further notes that it is common knowledge that a transaction page (key web page) will be served to any requesting user on the Internet. The examiner further notes that it is clear that **Burema's** method uses a matching process to determine affiliation in order to make payouts (i.e. the key page is always transmitted, but a matching process is always initiated to make sure every request for a key page which is from an affiliate is compensated, and every request which results in no affiliation is still served.

Regarding claim 23, **Burema** further teaches a method comprising:

A) <u>step (b) is at least partially accomplished by</u> checking a domain name or an Internet Protocol address (Paragraphs 31 and 40).

The examiner notes that **Burema** teaches "**step (b) is at least partially accomplished by checking a domain name or an Internet Protocol address**" as "User IP address" (Paragraph 40).

Regarding claim 24, **Burema** further teaches a method comprising:

A) specifying said referring server or said client computer Web browser for affiliated processing and output if said referring server or said client computer Web browser is determined to be affiliated, wherein said affiliated processing generates a custom output for said host server to provide to said client computer Web browser (Paragraphs 33, 45, and 51).

The examiner notes that **Burema** teaches "**specifying said referring server or said client computer Web browser for affiliated processing and output if said referring server or said client computer Web browser is determined to be affiliated, wherein said affiliated processing generates a custom output for said host server to provide to said client computer Web browser**" as "As the user enters the merchant's site that he or she has been redirected to" (Paragraph 51).

Regarding claim 25, **Burema** further teaches a method comprising:

A) retrieving a requested URL identifier through processing script from a host server input variable, as defined in an HTTP specification (Paragraphs 37-44);

B) retrieving a referring server identifier through said processing script from a host server environment variable, as defined in an HTTP specification (Paragraphs 37-44); and

C) retrieving a requesting client computer Web browser identifier through said processing script from a browser identifier file, as defined in an HTTP specification (Paragraphs 50-51, and 71).

The examiner notes that **Burema** teaches "**retrieving a requested URL identifier through processing script from a host server input variable, as defined in an HTTP specification**" as "More specifically, as indicated in the above script, the <img> section of the code tracking system server calls and executes the banner display

program (/cgi-bin/pv.pl) using the content provider site id ("sid") and profile if ("pid") as input variables" (Paragraph 37). The examiner further notes that **Burema** teaches **"retrieving a referring server identifier through said processing script from a host server environment variable, as defined in an HTTP specification"** as "More specifically, as indicated in the above script, the <img> section of the code tracking system server calls and executes the banner display program (/cgi-bin/pv.pl) using the content provider site id ("sid") and profile if ("pid") as input variables" (Paragraph 37). The examiner further notes that **Burema** teaches **"retrieving a requesting client computer Web browser identifier through said processing script from a browser identifier file, as defined in an HTTP specification"** as "More specifically, as indicated in the above script, the <img> section of the code tracking system server calls and executes the banner display program (/cgi-bin/pv.pl) using the content provider site id ("sid") and profile if ("pid") as input variables" (Paragraph 37) and "User IP address" (Paragraph 40).

Claim Rejections - 35 USC § 103

8.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

9.   Claims 1-8, 10, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Burema et al.** (U.S. PGPUB 2002/0029290) as applied to claims 13-17, and 20-25 and in view of **Baudu et al.** (U.S. PGPUB 2002/0052948).

10.   Regarding claim 1, **Burema** teaches a method comprising:

A) operating a host server having a plurality of Web page documents that includes a set of key Web page document (Paragraph 31);

D) defining a set of encoded URLs as affiliated URLs (Paragraphs 45-50);

F) defining a set of identifier files to correspond to said affiliated URLs (Paragraphs 29-30, 51);

G) defining said set of identifier files to identify client <u>Web</u> browsers requesting said affiliated URLs as affiliated clients (Paragraphs 29-30, 51);

H) defining said processing script to process requests for said key URLs, said encoded URLs, and said affiliated clients (Paragraphs 33, and 37-44); and

I) checking an identifier file for a pre-defined affiliated status (Paragraphs 33, and 37-44); <u>and</u>

J) <u>in response to a request for a URL, serving one of said key Web page documents if a referring server or a requesting client Web browser is determined to be one of said affiliated servers or one of said affiliated clients</u> (Paragraph 71); <u>and</u>

K) <u>otherwise serving one of said Web page documents according to said URL as requested, so as to build link popularity and thereby increase the search0-engine importance of each said key Web page document on said Internet</u> (Paragraphs 65 and 78).

The examiner notes that **Burema** teaches **"operating a host server having a plurality of Web page documents <u>that includes</u> a set of key Web page document"** as "the tracking system server determines the location, i.e., the URL of the merchant server entry page, i.e., an HTML form 150 and redirects the client 105 to that page. The user may freely browse the merchant's web site until reaching a transaction page. After making a purchase, or otherwise submitting a transaction...logs information about the user, writes a cookie out to the client 105" (Paragraph 31). The examiner further notes that it is clear that the transaction pages and entry pages of **Burema** are the key pages. The examiner further notes that **Burema** teaches **"defining a set of encoded URLs as affiliated URLs"** as "the script checks the validity of the input variables" (Paragraph 45) and "redirection URL" (Paragraph 50). The examiner further notes that **Burema** teaches **"defining a set of identifier files to correspond to said affiliated URLs"** as "the tracking system software (specifically, the cookie creation and verification piece 146, which resides in merchant server 115) creates a tracking system cookie and sends the cookie and transaction information 160 to server 120 and client 105" (Paragraph 51). The examiner further notes that **Burema** teaches **"defining said set of identifier files to identify client <u>Web</u> browsers requesting said affiliated URLs as affiliated**

clients" as "the tracking system software (specifically, the cookie creation and verification piece 146, which resides in merchant server 115) creates a tracking system cookie and sends the cookie and transaction information 160 to server 120 and client 105" (Paragraph 51). The examiner further notes that **Burema** teaches **"defining said processing script to process requests for said key URLs, said encoded URLs, and said affiliated clients"** as "More specifically, as indicated in the above script, the <img> section of the code tracking system server calls and executes the banner display program (/cgi-bin/pv.pl) using the content provider site id ("sid") and profile if ("pid") as input variables" (Paragraph 37) and "User IP address" (Paragraph 41). The examiner further notes that **Burema** teaches **"checking an identifier file for a pre-defined affiliated status"** as "The transaction transmittal program determines whether a user has disabled the cookie feature on his or her computer as follows...if a user does not have any cookies" (Paragraph 71) and "the transaction information is sent to the tracking system for matching, a process which determines whether a user was referred to a merchant via a particular affiliate" (Paragraph 71). The examiner further notes that **Burema** teaches **"in response to a request for a URL, serving one of said key Web page documents if a referring server or a requesting client Web browser is determined to be one of said affiliated servers or one of said affiliated clients"** as "If a user has a test cookie (348), then a check is made for a tracking system (352). Otherwise, if either a test cookie or a tracking system cookie does not exist, processing continues to 360. Each user having cookies enabled will have a test cookie, which was written out to the user's computer from the transaction page. If a user with cookies enabled was introduced to the merchant via an affiliate server, the user will also have a tracking system information cookie, including tracking information. For each user having an tracking system cookie, the transaction information will be sent to server 130 (356). If a user does not have any cookies, the system knows that the user has disabled the cookies feature, and the transaction information is sent to the tracking system for matching, a process which determines whether the user was referred to a merchant via a particular affiliate. The matching process is performed when a user's computer does not accept cookies" (Paragraph 71). The examiner further notes that **Burema** teaches

"otherwise serving one of said Web page documents according to said URL as requested, so as to build link popularity and thereby increase the search0-engine importance of each said key Web page document on said Internet" as "When the user reaches the merchant transaction page (336), a transaction transmittal program is loaded from the tracking system server 120. The transaction transmittal program allows a user to make a purchase by submitting to the merchant site transaction information, such as, for example, an item to purchase an associated payment information to the merchant site (340). The transaction page guides a user through the process of submitting a transaction. When the user decides to make a purchase/subscription, the user submits the transaction information, which executes the transaction transmittal program, which operates in a manner that is similar to the merchant site entry code" (Paragraph 65) and "The matching operation includes the following analysis: If the received transaction file includes tracking system information, a flag is set in the database indicating that the transaction is proper. If the matching of transaction information with information recorded during redirection to the merchant site is positive, a flag is set in the database indicating that the transaction is proper. If, after performing the matching, it is determined that a user was referred to the merchant by the tracking system (364), then the affiliate is eligible for a payout amount (368). Otherwise, processing ends" (Paragraph 78). The examiner further notes that it is common knowledge that a transaction page (key web page) will be served to any requesting user on the Internet. The examiner further notes that it is clear that **Burema's** method uses a matching process to determine affiliation in order to make payouts (i.e. the key page is always transmitted, but a matching process is always initiated to make sure every request for a key page which is from an affiliate is compensated, and every request which results in no affiliation is still served.

       Burema does not explicitly teach:

B) defining a set of key uniform resource locators (URLs) to be rewritten by <u>said</u> host server as a processing script;

C) defining said set of key URLs to correspond to said set of key Web page documents as a function of said processing script;

E) defining a set of referring servers as affiliated servers.

Baudu, however, teaches **"defining a set of key uniform resource locators (URLs) to be rewritten by <u>said</u> host server as a processing script"** as "reference rewriting module 1130" (Paragraph 38), and "A URL extraction module 5500 parses the response 5400 to identify URLs that should be rewritten" (Paragraph 65), **"defining said set of key URLs to correspond to said set of key Web page documents as a function of said processing script"** as "links in the component resources (with a few exceptions described below) are rewritten to point to a server system hosting the platform" (Paragraph 59), and **"defining a set of referring servers as affiliated servers"** as "That is, when a Merchant has agreed to an Affiliates' acceptance of an offer the link to a composite site" (Paragraph 58).

The examiner notes that it is common knowledge that when there is an agreement between and affiliate and a merchant site, the merchant site proceeds on **"defining a set of referring servers as affiliated servers"**.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of the cited references because teaching **Baudu's** would have allowed **Burema's** to prevent merchants and affiliates from having to modify their sites, and allow for convenient deploying, scalability, and comprehensive real-time information gathering for affiliate agreements, as noted by **Baudu** (Paragraphs 9-10).

Regarding claim 2, **Burema** further teaches a method comprising:
A) wherein checking said identifier for said predefined affiliated status further comprises at least one <u>step</u> of: checking an identifier of an encoded URL for pre-defined affiliated URL status, checking an identifier of a referring server for pre-defined affiliated server status, or checking an identifier file of a requesting client browser for affiliated client status (Paragraphs 33, 37-44, 50-51, and 71).

The examiner notes that **Burema** teaches **"wherein checking said identifier for said predefined affiliated status further comprises at least one <u>step</u> of: checking an identifier of an encoded URL for pre-defined affiliated URL status, checking an identifier of a referring server for pre-defined affiliated server status,**

or checking an identifier file of a requesting client browser for affiliated client status" as "Content provider site id (sid)" (Paragraph 38) and "As the user enters the merchant's site that he or she has been redirected to, the tracking system software (specifically, the cookie creation and verification piece 146, which resides in merchant server 115) creates a tracking system cookie and sends the cookie and transaction information 160 to server 120 and client 105" (Paragraph 51).

Regarding claim 3, **Burema** further teaches a method comprising:

A) reading one of said set of key <u>Web</u> page documents in response to a non-affiliated server or, if affiliated server status cannot be determined, in response to a non-affiliated client (Paragraph 71).

The examiner notes that **Burema** teaches **"reading one of said set of key <u>Web</u> page documents in response to a non-affiliated server or, if affiliated server status cannot be determined, in response to a non-affiliated client"** as "if a user does not have any cookies" (Paragraph 71), and "the transaction information is sent to the tracking system for matching, a process which determines whether a user was referred to a merchant via a particular affiliate" (Paragraph 71). The examiner further notes that it is common knowledge that the merchant site will still serve content and web pages to clients deemed not to have been sent via an affiliate.

Regarding claim 4, **Burema** further teaches a method comprising:

A) processing said requested key <u>Web</u> page document and writing the output to a client browser (Paragraphs 50-51).

The examiner notes that **Burema** teaches **"processing said requested key <u>Web</u> page document and writing the output to a client browser"** as "As the user enters the merchant's site that he or she has been redirected to" (Paragraph 51).

Regarding claim 5, **Burema** further teaches a method comprising:

A) sending an identifier file to a requesting client <u>Web</u> browser (currently "setting a cookie") in response to said affiliated URLs to identify said requesting client as an affiliated client (Paragraphs 29-30, 51, and 71).

The examiner notes that **Burema** teaches **"sending an identifier file to a requesting client <u>Web</u> browser (currently "setting a cookie") in response to said affiliated URLs to identify said requesting client as an affiliated client"** as "if a user does not have any cookies" (Paragraph 71), and "the tracking system software (specifically, the cookie creation and verification piece 146, which resides in merchant server 115) creates a tracking system cookie and sends the cookie and transaction information 160 to server 120 and client 105" (Paragraph 51).

Regarding claim 6, **Burema** further teaches a method comprising:
A) redirecting said affiliated clients to increase link traffic for said specified key <u>Web</u> page document (Paragraphs 50-51).

The examiner notes that **Burema** teaches **"redirecting said affiliated clients to increase link traffic for said specified key <u>Web</u> page document"** as "The script then redirects the user to the merchant server (324)" (Paragraph 50) and "As the user enters the merchant's site that he or she has been redirected to" (Paragraph 51).

Regarding claim 7, **Burema** further teaches a method comprising:
A) performing affiliated processing in response to said affiliated server or said affiliated client as a function of said processing script (Paragraphs 33-37, 45).

The examiner notes that **Burema** teaches **"performing affiliated processing in response to said affiliated server or said affiliated client as a function of said processing script"** as "The script then retrieves from the affiliate data store 155 information about the affiliate and the merchant" (Paragraph 45) and "the script checks the validity of the input variables and generates a unique tracking system information identification" (Paragraph 45).

Regarding claim 8, **Burema** further teaches a method comprising:

A) specifying affiliated output for said affiliated server or said affiliated client, wherein said processing script generates a custom output for <u>said</u> host server to provide to a client <u>Web</u> browser (Paragraphs 33, 45, and 51).

The examiner notes that **Burema** teaches **"specifying affiliated output for said affiliated server or said affiliated client, wherein said processing script generates a custom output for <u>said</u> host server to provide to a client <u>Web</u> browser"** as "As the user enters the merchant's site that he or she has been redirected to" (Paragraph 51).

Regarding claim 10, **Burema** further teaches a method comprising:

A) processing client Web browser requests using at least one of server input variables, server environment variables, or browser identifier files (Paragraphs 37-44); and

B) generating output to a client using at least one of data files, configuration files, or custom program files (Paragraphs 33, 45, and 51).

The examiner notes that **Burema** teaches **"processing client Web browser requests using at least one of server input variables, server environment variables, or browser identifier files"** as "User IP address" (Paragraph 41). The examiner further notes that **Burema** teaches **"generating output to a client using at least one of data files, configuration files, or custom program files"** as "As the user enters the merchant's site that he or she has been redirected to" (Paragraph 51).

Regarding claim 12, **Burema** further teaches a method comprising:

A) retrieving an identifier through said processing script from a server input variable (Paragraphs 33, and 37-44);

B) specifying sending an identifier file to the Web browser or checking for a referring server URL as a function of <u>whether</u> said identifier <u>is a Web browser identifier or a referring server identifier</u> (Paragraphs 50-51, and 71);

C) retrieving a referring server URL through said processing script from a server environment variable defined in an HTTP specification (Paragraphs 31 and 37);

D) specifying, through said referring server URL, at least one of a processing function to perform or a Web page to process (Paragraphs 31, 45, and 51);

E) requesting an identifier file from said Web browser as a function of a lack of said referring server URL (Paragraph 71);

F) retrieving said identifier file from said Web browser, and using said identifier file to specify processing to perform (Paragraph 71); and

G) serving said Web page in response to a lack of said identifier file (Paragraph 71).

The examiner notes that **Burema** teaches **"retrieving an identifier through said processing script from a server input variable"** as "More specifically, as indicated in the above script, the <img> section of the code tracking system server calls and executes the banner display program (/cgi-bin/pv.pl) using the content provider site id ("sid") and profile if ("pid") as input variables" (Paragraph 37) and "User IP address" (Paragraph 41). The examiner further notes that **Burema** teaches **"specifying sending an identifier file to the Web browser or checking for a referring server URL as a function of <u>whether</u> said identifier <u>is a Web browser identifier or a referring server identifier</u>"** as "The script then redirects the user to the merchant server (324)...the script creates a unique identifier by encrypting the sid, pid, user's IP address and user browser information" (Paragraph 50). The examiner further notes that **Burema** teaches **"retrieving a referring server URL through said processing script from a server environment variable defined in an HTTP specification"** as "More specifically, as indicated in the above script, the <img> section of the code tracking system server calls and executes the banner display program (/cgi-bin/pv.pl) using the content provider site id ("sid") and profile if ("pid") as input variables" (Paragraph 37). The examiner further notes that **Burema** teaches **"specifying, through said referring server URL, at least one of a processing function to perform or a Web page to process"** as "Once the banner has been displayed on a user's screen, via a browser, the user may select the banner (308). When a user selects, i.e., clicks on, the partner site code represented as a banner or a text link, the banner is served to the user (312)" (Paragraph 45). The examiner further notes that **Burema** teaches **"requesting an identifier file from said Web browser as a function of a lack of said referring**

server URL" as The transaction transmittal program determines whether a user has disabled the cookie feature on his or her computer as follows...if a user does not have any cookies" (Paragraph 71) and "the transaction information is sent to the tracking system for matching, a process which determines whether a user was referred to a merchant via a particular affiliate" (Paragraph 71). The examiner further notes that **Burema** teaches **"retrieving said identifier file from said Web browser, and using said identifier file to specify processing to perform"** as "The transaction transmittal program determines whether a user has disabled the cookie feature on his or her computer as follows...if a user does not have any cookies" (Paragraph 71) and "the transaction information is sent to the tracking system for matching, a process which determines whether a user was referred to a merchant via a particular affiliate" (Paragraph 71). The examiner further notes that **Burema** teaches **"serving said Web page in response to a lack of said identifier file"** as "if a user does not have any cookies" (Paragraph 71) and "the transaction information is sent to the tracking system for matching, a process which determines whether a user was referred to a merchant via a particular affiliate" (Paragraph 71).

11.   Claims 9, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Burema et al.** (U.S. PGPUB 2002/0029290) as applied to claims 13-17, and 20-25 and in view of **Baudu et al.** (U.S. PGPUB 2002/0052948) as applied to claims 1-8, 10, and 12, and further in view of **Simons** (U.S. PGPUB 2003/0014331).

12.   Regarding claim 9, **Burema** and **Baudu** do not explicitly teach a method comprising:

A) recording said requested key Web page document as a uniform resource locator in a search engine.

   Simons, however, teaches **"recording said requested key Web page document as a uniform resource locator in a search engine"** as "The consumer computer 12 displays the search results 44 received from the search engine server 16. In this example, the hyperlinks associated with four merchants, P, Q, R, and S are displayed" (Paragraph 40) and "the consumer first licks the hyperlink associated with merchant P on the search results page" (Paragraph 42).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of the cited references because teaching **Simons's** would have allowed **Burema's** and **Buadu's** to provide a method to maximize incentives for merchants and affiliates thorough maximizing commissions through the use of popular search engines for affiliating marketing, as noted by **Simons** (Paragraph 4).

Regarding claim 11, **Burema** and **Baudu** do not explicitly teach a method comprising:

A) generating an increased importance value of key uniform resource locators for search engines that determine said importance as a function of links and referrals thereto from said referring server or other Web servers.

Simons, however, teaches **"generating an increased importance value of key uniform resource locators for search engines that determine said importance as a function of links and referrals thereto from said referring server or other Web servers"** as "The search facility ranks the merchants for display in search results based upon the commissions paid and possibly other factors" (Abstract).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of the cited references because teaching **Baudu's** and **Simons's** would have allowed **Burema's** to provide a method to maximize incentives for merchants and affiliates thorough maximizing commissions through the use of popular search engines for affiliating marketing, as noted by **Simons** (Paragraph 4).

13.   Claims 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Burema et al.** (U.S. PGPUB 2002/0029290) as applied to claims 13-17, and 20-25 and in view of **Simons** (U.S. PGPUB 2003/0014331).

14.   Regarding claim 18, **Burema** does not explicitly teach a system comprising:

A) wherein a search engine spider <u>is operable to locate</u> a referring server or said host server.

Simons, however, teaches **"wherein a search engine spider is operable to locate a referring server or said host server"** as "system server 102 retrieves new information for purchases, merchants, referring affiliate sites, and other activity" (Paragraph 117).

The examiner notes that it is common knowledge that a spider seeks and obtains new content constantly.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of the cited references because teaching **Simons's** would have allowed **Burema's** to provide a method to maximize incentives for merchants and affiliates thorough maximizing commissions through the use of popular search engines for affiliating marketing, as noted by **Simons** (Paragraph 4).

Regarding claim 19, **Burema** does not explicitly teach a system comprising:

A) wherein said Web browser is operable to activate a search engine server that locates either a referring server or said host server.

Simons, however, teaches **"wherein said Web browser is operable to activate a search engine server that locates either a referring server or said host server"** as "The consumer computer 12 displays the search results 44 received from the search engine server 16. In this example, the hyperlinks associated with four merchants, P, Q, R, and S are displayed" (Paragraph 40) and "the consumer first licks the hyperlink associated with merchant P on the search results page" (Paragraph 42).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of the cited references because teaching **Simons's** would have allowed **Burema's** to provide a method to maximize incentives for merchants and affiliates thorough maximizing commissions through the use of popular search engines for affiliating marketing, as noted by **Simons** (Paragraph 4).

Response to Arguments

13.   Applicant's arguments filed on 06/21/2007 have been fully considered but they are not persuasive.

Applicant argues on page 10, that **"Burema, however, does not disclose Applicant's "method for operating a seamless affiliated link system on the Internet," wherein...Instead, Burema merely discloses a system and method of tracking affiliate referrals"**. Applicant should submit an argument under the heading "Remarks" pointing out disagreements with the examiner's contentions. Applicant must also discuss the references applied against the claims, explaining how the claims avoid the references or distinguish from them. Moreover, **Burema** clearly discloses an affiliate system for requesting clients.

Applicant argues on page 11, that **"step (j) set forth therein is neither taught nor suggested by Burema, Baudu, and/or Simons...and/or Simons"**. However, the examiner wishes to point to paragraphs 65, 71, and 78 of **Burema** which state "When the user reaches the merchant transaction page (336), a transaction transmittal program is loaded from the tracking system server 120. The transaction transmittal program allows a user to make a purchase by submitting to the merchant site transaction information, such as, for example, an item to purchase an associated payment information to the merchant site (340). The transaction page guides a user through the process of submitting a transaction. When the user decides to make a purchase/subscription, the user submits the transaction information, which executes the transaction transmittal program, which operates in a manner that is similar to the merchant site entry code" (Paragraph 65), "If a user has a test cookie (348), then a check is made for a tracking system (352). Otherwise, if either a test cookie or a tracking system cookie does not exist, processing continues to 360. Each user having cookies enabled will have a test cookie, which was written out to the user's computer from the transaction page. If a user with cookies enabled was introduced to the merchant via an affiliate server, the user will also have a tracking system information cookie, including tracking information. For each user having an tracking system cookie, the transaction information will be sent to server 130 (356). If a user does not have any cookies, the system knows that the user has disabled the cookies feature, and the transaction information is sent to the tracking system for matching, a process which determines whether the user was referred to a merchant via a particular affiliate. The

matching process is performed when a user's computer does not accept cookies" (Paragraph 71), and "The matching operation includes the following analysis: If the received transaction file includes tracking system information, a flag is set in the database indicating that the transaction is proper. If the matching of transaction information with information recorded during redirection to the merchant site is positive, a flag is set in the database indicating that the transaction is proper. If, after performing the matching, it is determined that a user was referred to the merchant by the tracking system (364), then the affiliate is eligible for a payout amount (368). Otherwise, processing ends" (Paragraph 78). The examiner further notes that it is common knowledge that a transaction page (key web page) will be served to any requesting user on the Internet. The examiner further notes that it is clear that **Burema's** method uses a matching process to determine affiliation in order to make payouts (i.e. the key page is always transmitted, but a matching process is always initiated to make sure every request for a key page which is from an affiliate is compensated, and every request which results in no affiliation is still served. The In response to applicant's argument that **Burema** does not teach step j nor the last two paragraphs in claim 13 (link popularity and search engine importance), a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. Since **Burema** is directed towards a web site serving web pages, any search engine will recognize increased hits/requests.

Conclusion

14.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. PGPUB 20010034644 issued to **Anavi et al.** on 25 October 2001. The subject matter disclosed therein is pertinent to that of claims 1-25 (e.g., methods to track affiliate links).

U.S. Patent 6,629,135 issued to **Ross et al.** on 30 September 2003. The subject matter disclosed therein is pertinent to that of claims 1-25 (e.g., methods to track affiliate links).

U.S. PGPUB 2003/0236701 issued to **Rowney et al.** on 25 December 2003. The subject matter disclosed therein is pertinent to that of claims 1-25 (e.g., methods to track affiliate links).
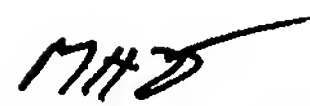
U.S. PGPUB 2003/0023687 issued to **Wolf** on 30 January 2003. The subject matter disclosed therein is pertinent to that of claims 1-25 (e.g., methods to track affiliate links).

Contact Information

15.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mahesh Dwivedi whose telephone number is (571) 272-2731. The examiner can normally be reached on Monday to Friday 8:20 am – 4:40 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tim Vo can be reached (571) 272-3642. The fax number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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